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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,236	07/26/2006	Thorsten Buddenberg	283548US0XPCT	9166
22850	7590	09/25/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HRUSKOCI, PETER A	
			ART UNIT 1797	PAPER NUMBER
			NOTIFICATION DATE 09/25/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/565,236	Applicant(s) BUDDENBERG ET AL.	
	Examiner /Peter A. Hruskoci/	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/19, 5/16, and 12/27/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/16 and 12/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

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Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 14 “the flocculating-agent solution” lacks clear antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15, 18, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Condolios et al. 4,347,140 in view of Baize 3,975,266. Condolios et al. disclose (see col. 2 line 21 through col. 4 line 3) a method for dewatering mud or sludge, a dewatered sludge, and building material substantially as claimed. The claims differ from Condolios et al. by reciting the use of an anionic polymeric flocculating agent. Baize disclose (see col. 2 line 11 through col. 4 line 25) that it is known in the art to utilize anionic polymeric flocculating agents, to aid in dewatering sludge. It would have been obvious to one skilled in the art to modify the method, dewatered sludge, and building material of Condolios et al. by using the recited anionic polymeric flocculating agent in view of the teachings of Baize, to aid in dewatering the sludge. The specific molecular weight, concentration, proportion, and metering distance of the flocculating agent utilized, use of two different flocculating agents, and density and vane strength of the sludge, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results. With regard to claim 10, it is submitted that Baize as

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applied above disclose the treatment of sludge from the dredging of rivers with anionic polymer flocculants.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Condolios et al. 4,347,140 in view of Baize 3,975,266 as above, and further in view of Pickering et al. 5,902,487. The claim differs from the references as applied above by reciting the use of a specific measuring device to meter the flocculating agent. Pickering et al. disclose (see col. 8 lines 1-64) that it is known in the art to utilize a density gauge to control the dosing of polymeric flocculant into a flow line for sludge, to aid in dewatering the sludge. It would have been obvious to one skilled in the art to modify the references as applied above, by using the recited measuring device in view of the teachings of Pickering et al., to aid controlling the metering of polymeric flocculating agent into the sludge.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Condolios et al. 4,347,140 in view of Baize 3,975,266 as above, and further in view of DE 20304220 Grimm. The claims differ from the references as applied above by reciting the evaporative drying is accelerated by mechanically turning the sludge by means of rotary hoes. Grimm disclose (see Abstract) that it is known in the art to utilize rotary hoes to turn sludge in a drying bed at intervals, to aid in drying the sludge. It would have been obvious to one skilled in the art to modify the references as applied above, by using the recited rotary hoes in view of the teachings of Grimm, to aid in drying the sludge.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Condolios et al. 4,347,140 in view of Baize 3,975,266 as above, and further in view of Iji et al. 5,462,672.. The claim differs from the references as applied above by reciting dewatered sludge is mixed with a

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specific amount of clay, lime, or cement. Iji et al. disclose (see col. 5 line 7 through col. 6 line 64) that it is known in the art to add cement or lime to aid in improving the strength of dehydrated sludge. It would have been obvious to one skilled in the art to modify the references as applied above, by adding the recited lime or cement to the sludge in view of the teachings of Iji et al., to aid in increasing the strength of the dewatered sludge. The specific proportion utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific sludge treated and results desired, absent a sufficient showing of unexpected results.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Peter A. Hruskoci/ whose telephone number is (571) 272-1160. The examiner can normally be reached on Monday through Friday from 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter A. Hruskoci/
Primary Examiner
Art Unit 1797

9/22/08